

Notice of Allowability

Application No.

10/650,521

Examiner

Catherine S. Williams

Applicant(s)

HOMMANN ET AL.

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 5/2/06.
2. The allowed claim(s) is/are 1-7, 11, 13-17 and 19-28.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Bruhn on 5/31/06.

The application has been amended as follows:

In the claims:

In claim 6 line 6 "wheel" has been replaced to --mechanism--.

In claim 6 line 7 "wheel" has been replaced to --mechanism--.

In claim 6 line 12 "wheel" has been replaced to --mechanism--.

In claim 13 lines 11-12 "deviates the restoring means away from the longitudinal axis of the container, and said guide" has been deleted.

In claim 13 line 12 "means" has been replaced with --structure--.

In claim 13 line 13 "its longitudinal axis" has been replaced with --a plane in which said flexible force transferring structure lies--.

In claim 16 line 3 after "cylindrical coil spring" and before "transfers", --axially deviated behind the container away from a generally central longitudinal axis of the container--.

Allowable Subject Matter

Claims 1-7,11,13-17 and 19-28 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to teach a device for the controlled delivery of an injectable liquid from a liquid container sealed by a piston that includes a cylindrical coil axially deviated behind the container away from a generally longitudinal axis of the container coupled to a lateral facing area of a drive mechanism in combination with a restoring means mounted inside the drive mechanism that applies a restoring force to the drive mechanism such that the drive mechanism axially advances the piston for delivering liquid from the container.

Regarding claim 6, the prior art fails to teach a device for the controlled delivery of an injectable liquid from a liquid container sealed by a piston that includes, *inter alia*, a blocking projection arranged at an end of a rocking lever which is moveable to a releasing position in which a drive mechanism is released by advancing an operating button and can be rest into a locking position in which the drive mechanism is locked by a second restoring means.

Regarding claim 13, the prior art fails to teach a device for the controlled delivery of an injectable liquid from a liquid container sealed by a piston that includes, *inter alia*, a substantially elongated flexible force transferring structure is guided by a guide which is configured to at least as far as possible inhibit the flexible force transferring structure from being laterally away from a plane in which the flexible force transferring structure lies.

Regarding claim 16, the prior art fails to teach a device for the controlled delivery of an injectable liquid from a liquid container that includes a cylindrical coil axially deviated behind the container away from a generally longitudinal axis of the container that transfers a drive force

of a rotatable drive wheel with a spring mounted inside the drive wheel to move a piston which slides axially in the device.

Regarding claim 21, the prior art fails to teach a device for the controlled delivery of an injectable liquid from a liquid container sealed by a piston that includes, *inter alia*, a flexible force transferring means mounted directly on an outer circumference of a drive mechanism.

Regarding claim 22, the prior art fails to teach a device for the controlled delivery of an injectable liquid from a liquid container sealed by a piston that includes a flexible force transferring means axially deviated behind the container away from a generally longitudinal axis of the container coupled to a lateral facing area of a drive wheel in combination with a restoring means mounted inside the drive mechanism that applies a restoring force to the drive mechanism such that the drive mechanism axially advances the piston for delivering liquid from the container.

The prior art most similar is to Sealfon (USPN 5,261,882), Douglas et al (USPN 6,482,186) and Hessberg et al (4,300,554). None of these reference alone or in combination anticipate or render obvious the instant claims.

Sealfon discloses most of the claimed elements. However, the restoring means or spring (28) is mounted exterior to the drive mechanism or wheel (68). One skilled in the art would not find motivation within the reference itself or common knowledge in the art to hollow out the drive wheel and place the restoring means or spring inside the drive mechanism or wheel. Additionally, the flexible force transferring means/structure is not a cylindrical coil spring. One skilled in the art would not find motivation within the reference itself or common knowledge in the art to substitute the force transferring means of Sealfon with a cylindrical spring.

Douglas discloses many of the claimed elements including a cylindrical coil spring (3000). However, the restoring means or spring (4080) is mounted exterior to the drive mechanism or wheel (105). One skilled in the art would not find motivation within the reference itself or common knowledge in the art to place the restoring means or spring inside the drive mechanism or wheel since the drive mechanism or wheel is not structured to have the spring operate internally. Additionally there is no motivation to combine the cylindrical spring of Douglas with the device of Seafon.

Hessberg discloses many of the claimed elements including a restoring means or spring (16) being mounted within the drive mechanism or wheel (31). However, Hessberg does not teach the flexible force transferring means being a cylindrical coil; a blocking projection respectively arranged at an end of a rocking lever which is moveable to a releasing position in which the drive mechanism is released by advancing an operating button and can be reset into a locking position in which the drive mechanism is locked by a second restoring means; the flexible force transferring structure being guided by a guide which is configured to inhibit the structure from bending laterally away from a plane in which the structure lies; and the flexible force transferring means being mounted directly on an outer circumference of the drive mechanism or being coupled to a lateral facing area of the drive wheel. There is no motivation within the reference itself, other prior art or common knowledge in the art to modify the reference to incorporate the listed deficiencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine S. Williams whose telephone number is 571-272-4970. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Catherine S. Williams Primary Examiner
Catherine S. Williams
May 31, 2006